

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KRISTANA DUNN,

Plaintiff,

v.

PHH MORTGAGE CORPORATION,

Defendants.

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Civil Action No. 4:23-cv-03829

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**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(F) FEDERAL RULES OF CIVIL PROCEDURE**

Kristana Dunn (“Plaintiff”) and PHH Mortgage Corporation (“Defendant” and collectively the “Parties”) file this Proposed Rule 26(f) Joint Discovery/Case Management Plan.

- (1) State when the conference of the parties required by Rule 26(f) was held, and identify the counsel who represented each party.**

The Parties conferred on November 16, 2023 by email correspondence.

Plaintiff’s Counsel in attendance:

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Defendant’s Counsel in attendance:

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- (2) **List the cases related to this one that are pending in any state or federal court with the case number and court.**

None.

- (3) **Specify the allegation of federal jurisdiction.**

There is diversity jurisdiction in this Court because there is complete diversity of citizenship between Plaintiff and Defendant, and more than \$75,000.00 is in controversy, exclusive of interest and costs. *See* 28 U.S.C. § 1332.

- (4) **Name the parties who disagree and the reasons.**

None.

- (5) **List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.**

None at this time.

- (6) **List anticipated interventions.**

None at this time.

- (7) **Describe class-action issues**

None.

- (8) **State whether each party represents that it has made disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.**

Defendant anticipates making its initial disclosures on or before December 15, 2023.

Plaintiff anticipates making its initial disclosures on or before December 15, 2023.

- (9) **Describe the proposed agreed discovery plan, including:**

- (A) **Responses to all the matters raised in Rule 26(f).**

The Parties will make initial disclosures no later than December 15, 2023. The subjects on which discovery may be needed are: (1) items relating to the subject loan and subject real property; (2) items relating to communications between Plaintiff and the Defendant, or any other interested party, or their representatives. Plaintiff anticipates that no more than six months will be needed for discovery and does not believe that there should be

any phases or limit to discovery other than what is allowed under the Federal Rules of Civil Procedure

(B) When and to whom the plaintiff anticipates it may send interrogatories.

Plaintiff anticipates it may send interrogatories to the Defendant or any other interested party before the end of the discovery period, proposed to be May 14, 2024. Plaintiff reserves the right to amend before the close of discovery.

(C) When and to whom the defendant anticipates it may send interrogatories.

Defendant anticipates it may send interrogatories to the Plaintiff or any other interested party before the end of the discovery period, proposed to be May 14, 2024. Defendant reserves the right to amend before the close of discovery.

(D) Of whom and by when the plaintiff anticipates taking oral depositions.

Plaintiff anticipates it may take oral depositions of the Defendant or any other interested party before the end of the discovery period, proposed to be May 14, 2024. Plaintiff reserves the right to amend before the close of discovery.

(E) Of whom and by when the defendant anticipates taking oral depositions.

Defendant anticipates it may take oral depositions of the Plaintiff or any other interested party before the end of the discovery period, proposed to be May 14, 2024. Defendant reserves the right to amend before the close of discovery.

(F) When the plaintiff (or party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their experts.

Plaintiff will be able to designate experts and provide the reports required by February 14, 2024. Defendant will be able to designate experts and provide the reports required by March 15, 2024.

(G) List expert depositions the plaintiff (or party with the burden of proof on an issue) anticipates taking their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).

Plaintiff anticipates taking the depositions of Plaintiff's experts before the end of the discovery period, proposed to be May 14, 2024. Plaintiff reserves the right to amend before the close of discovery.

(H) List expert depositions the opposing party anticipates taking and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report)

Defendant anticipates taking the depositions of Defendant's experts before the end of the discovery period, proposed to be May 14, 2024. Defendant reserves the right to amend before the close of discovery.

- (10) If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.**

No disputes regarding discovery at this time.

- (11) Specify the discovery beyond initial disclosures that has been undertaken to date.**

None.

- (12) State the date the planned discovery can reasonably be completed.**

May 14, 2023

- (13) Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.**

The Parties are open to informal settlement discussions.

- (14) Describe what each party has done or agreed to do to bring about a prompt resolution of this dispute.**

None at this time.

- (15) From the attorneys' discussions with their client(s), state the alternative dispute resolution techniques that are reasonably suitable.**

If the Court believes that it is in the best interest of the Parties, the Parties would consent to mediation in an effort to settle this matter.

- (16) Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.**

The Parties do not consent to refer this case to the magistrate judge.

- (17) State whether a jury demand has been made and if it was made on time.**

No jury demand has been made.

- (18) Specify the number of hours it will take to present evidence in this case.**

The parties anticipate it will take 4-8 hours to present evidence in this case.

- (19) **List pending motions that could be ruled on at the initial pretrial and scheduling conference.**

None at this time.

- (20) **List other pending motions.**

None at this time.

- (21) **Indicate other matters peculiar to this case, including but not limited to traditional and electronic discovery issues, that deserve the special attention of the court at the conference.**

None at this time.

- (22) **List the names, bar numbers, addresses and telephone numbers of all counsel.**

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/s/ Jason A. LeBoeuf signed with permission

November 16, 2023

Jason A. LeBoeuf
Counsel for Plaintiff

/s/ Nicholas M. Frame

November 16, 2023

Nicholas M. Frame
Counsel for Defendant